

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	Criminal No. 7:19-cr-00522-1
	§	
RICARDO QUINTANILLA, et. al.	§	

**MOTION FOR PRE-TRIAL HEARING TO
DETERMINE ADMISSIBILITY OF CO-CONSPIRATOR'S STATEMENTS**

COMES NOW Defendant, Ricardo Quintanilla, and moves the Court for a hearing to determine admissibility of co-conspirator's statements.

The Defendant moves the Court to conduct a hearing in advance of trial to determine the admissibility of out-of-court statements made by any alleged co-conspirators or codefendants in this case that the Government contends are admissible pursuant to FRE 801(d)(2)(E), or otherwise. The Defendant objects to the admissibility of such statements and submits that a pre-trial hearing is necessary to determine the admissibility of such statements if the Government intends to offer such evidence. Those statements are not admissible under the Federal Rules of Evidence and their admission would violate the Defendant's right to due process of law and to confront the witnesses against them as guaranteed by the Fifth and Sixth Amendments to the United States Constitution. If the Government alleges that such out-of-court statements of co-conspirators or co-defendants are admissible into evidence before the jury, the Defendants request that the Government be required to specifically identify and reveal those statements that it intends to use at trial and that a pre-trial hearing be conducted to determine whether or not they are admissible into evidence.

WHEREFORE, the Defendant prays that a hearing be conducted in advance of trial outside the presence of the jury for the court to determine the admissibility of any coconspirator's declarations that the Government seeks to have admitted into evidence.

Dated: September 20, 2019

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF CONFERENCE

A copy of the motion was forwarded to the Government and it indicated that it is opposed.

By: /s/ Jaime Peña
Jaime Peña

CERTIFICATE OF SERVICE

This is to certify that on September 20, 2019, a true and correct copy of this motion was served on all parties of record via ECF.

By: /s/ Jaime Peña
Jaime Peña